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10 **Counsel for Defendant TONY THAI PHAN**

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
14 **OAKLAND DIVISION**  
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16 <b>UNITED STATES OF AMERICA,</b>	)	<b>No. 4:13-cr-00556-YGR</b>
	)	
17 <b>Plaintiff,</b>	)	<b>STIPULATION AND <del>[PROPOSED]</del></b>
	)	<b>TO CONTINUE ARRAIGNMENT</b>
18 <b>v.</b>	)	
	)	
19 <b>TONY THAI PHAN</b>	)	
	)	
20 <b>Defendant.</b>	)	

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21 The defendant Tony Phan is calendared to appear before the Honorable Yvonne  
22 Gonzalez Rogers on September 26, 2013 for entry of plea. Since Mr. Phan lives in souther  
23 California, the parties seek to accomodate him to allow for his arraignment on the criminal  
24 complaint filed in this matter. Accordingly, it is hereby stipulated by and between the parties  
25 that the arraignment currently scheduled for September 19, 2013, at 9:30 a.m. shall be vacated  
26 and that the arraignment be continued to September 26, 2013, at 9:30 a.m.

It is also stipulated that the period from March 18, 2010 to April 15, 2010, shall be  
excluded from the calculation of time in which the trial of the above captioned matter must

1 commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). The parties  
2 stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the  
3 interests of justice are served by granting a continuance. Thus, the parties respectfully request  
4 that the matter be continued as stipulated herein.

5 **IT IS SO STIPULATED.**

6  
7 **DATED: September 18, 2013**

\_\_\_\_\_  
/s/  
**SETH P. CHAZIN**  
Counsel for TONY PHAN

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10 **DATED: September 18, 2013**

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/s/  
**CAROLYN SILANE**  
ASSISTANT UNITED STATES ATTORNEY

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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

United States of America,

Plaintiff,

vs.

TONY PHAN,

Defendants.

)  
) No. 4:13-cr-00556-YGR  
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)  
)  
) ~~PROPOSED~~ ORDER  
) TO CONTINUE ARRAIGNMENT  
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Based upon the attached stipulation of counsel and, WITH GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the arraignment on the Information currently scheduled for September 19, 2013, is vacated and shall instead be heard on September 26, 2013, at 9:30 a.m.

Furthermore, based on the factors referred to in said stipulation, THE COURT HEREBY FINDS that, in the interest of justice, and pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and (B)(iv), the Court warrants that an exclusion of time under the Speedy Trial Act is necessary and appropriate.

IT IS SO ORDERED.

DATED: 9/19/13

  
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THE HONORABLE KANDIS WESTMORE  
UNITED STATES MAGISTRATE JUDGE